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EXAMINER

COULTER, KENNETH R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,302

Applicant(s)

ROUSE ET AL.

Examiner

Kenneth R Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 2, 14 – 19 are objected to because of the following informalities:

“at least **on** presentation option” (claim 2, lines 1 – 2);

“claim **ii** ” (claim 13, line 1; claim 14, line 1);

“according to the **15** steps of” (claim 16, line 1).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 4 and 6 – 19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gershman et al. (U.S. Pat. No. 6,199,099 (System, Method and Article of Manufacture for a Mobile Communication Network Utilizing a Distributed Communication Network)).

Art Unit: 2141

3.1 Regarding claim 1, Gershman discloses a method of customizing the presentation of networkable media, comprising the steps of:

selecting at least one presentation option for transmissible media content (Abstract; Figs. 21 – 23; col. 36, lines 29 – 36 "agent 2000 that guides a user through the process of interacting with the system to customize and personalize various system components to gather information and interact with the user's personal requirements.");

receiving the transmissible content via a wireless medium (Abstract; Fig. 17; col. 2, lines 56 – 67 "A wireless phone or similar **hand-held wireless device** with Internet Protocol capability is combined with other peripherals to provide a **portable portal** into the Internet."); and

presenting the transmissible media content to a user according to the at least one presentation option (Abstract; Figs. 21 – 23; col. 36, lines 41 - 57);

storing the at least one presentation option in the wireless client device (Abstract "This pattern template is stored on a thin client computer").

3.2 Per claim 2, Gershman teaches the selecting of at least one presentation option comprises a home page, a time zone, a date format, a font format, and a language (Fig. 21 "My Home Page"; col. 36, lines 52 – 57 "Various items 2180 of personal information are collected form the user to support various endeavors."; col. 36, lines 51 – 52 "Various profiles can be selected based on where the user is located.").

Art Unit: 2141

3.3 Regarding claim 3, Gershman does not explicitly disclose that the receiving of the transmissible media content comprises least one of a Bluetooth protocol, a Wireless Application protocol (WAP), a Global System Mobile protocol, and a Wireless Markup Language protocol.

Gershman discloses that "other protocols could be readily substituted for HTML without undue experimentation." (col. 9, lines 17 – 19).

It would have been inherent for Gershman to implement the other various protocols above (Bluetooth, WAP, Global System Mobile, Wireless Markup Language), since Gershman discloses that various unspecified protocols could be implemented.

In addition, these are commonplace protocols that are often used in wireless communication.

Therefore, this feature does not represent a patentably distinct feature over the prior art.

3.4 Per claim 4, Gershman teaches presenting the transmissible media content comprises presenting the transmissible media content via a display screen of a wireless client device (Abstract; Fig. 17; col. 2, lines 56 – 67 "This information is formatted and **displayed on the hand-held device's screen.**").

3.5 Per claims 6 – 19, the rejection of claims 1 – 5 under 35 USC 102(e) (paragraphs 3.1 – 3.4 above) applies fully.

Response to Arguments

Art Unit: 2141

4. Applicant's arguments filed 11/16/04 have been fully considered but they are not persuasive.

4.1 With regard to claims 1 – 4 and 16 – 19, Applicant argues that Gershman does not disclose the present invention because the cited passages of Gershman occur only in the Abstract and claims of Gershman.

Examiner disagrees.

The Abstract and claims are part of the disclosure. Citations from the Abstract and claims are valid citations.

The Abstract and claim citations previously listed and listed above are very clear and undeniable.

"This pattern template is **stored on a thin client computer** ... The response is **filtered** by the application tool **based on the pattern template**." (Abstract).

"A method for obtaining information on a mobile computing environment utilizing a distributed communication network, comprising the steps of:

(a) generating a pattern template;

(b) **storing the pattern template on a thin client** computer;

...

(f) processing the response utilizing an application tool on the thin client computer, wherein the **response is filtered** by the application tool **based on the pattern template** ... (col. 67, lines 28 – 43).

In addition, other cited references disclose the supposed novel feature of local storage of configuration data on a wireless device.

Enns (U.S. Pub. No. 2002/0065110)

“Multiple layout files may be installed in a mobile computing device. A user may thus switch between different layout files. Since different layout files may include different plug-ins, a user may have access to a variety of data. Additionally, since different layout files may set different attributes for the same data, different views of the same data may be displayed. Thus, average users may easily change the visual appearance of their display by merely selecting different layout files.” (Paragraph 16).

Martin (U.S. Pat. No. 6,509,913)

“A configuration file can include screen configuration information that is used to update an alias table ... the alias table is stored in the local memory 224 of the remote wireless computing device 216 ...” (col. 8, lines 33 – 40).

4.2 With regard to claims 6 – 9 and 11 – 14, Applicant argues that in the present Application, generic information is sent to a mobile device where it is locally customized for presentation. Also, Applicant argues that Gershman “describes a system that

Art Unit: 2141

apparently enables a user to access previously formatted information via a web browser. The user may request information via the web browser (see Gershman at col. 35, lines 46-49)."

Examiner disagrees.

Firstly, Applicant states that the Gershman does not disclose the providing of "generic information" to the mobile device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing of "generic information" to the mobile device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, the Applicant cites a passage in Gershman that is an alternative embodiment that was not cited by the examiner in the 35 USC 102(e) rejection given above and in the previous office action on 6/16/04.

The relevant embodiment is clearly detailed in the Abstract and in claim 1 as cited in the passages above.

Art Unit: 2141

4.3 And lastly, Applicant argues that claims 10 and 15 disclose the feature of “a processor unit that stores the at least one presentation option in the wireless client device.”

Gershman clearly teaches these details in the following passage that states:

“An apparatus that obtains information on a mobile computing environment utilizing a distributed communication network, comprising:

(a) a **processor of (on) a thin client computer;**

(b) a **memory that stores a pattern template on the thin client computer**

under the control of the **processor ...**” (claim 11).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2141

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER
Kenneth R. Coulter

krc